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DEPARTMENT OF PLANNING AND LAND USE

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MITIGATED NEGATIVE DECLARATION

June 26, 2008

Project Name: Landstedt 4-Lot Minor Subdivision

Project Number(s): TPM 21026, ER 06-14-034

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Biological
Resources and Cultural Resources
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

I. TRANSPORTATION

- A. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

II. BIOLOGICAL RESOURCES

- A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

- a. Prior to issuance of any permit and prior to recordation of the parcel map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 1.45 acres of Tier II habitat or higher Tier habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located within a Biological Resource Conservation Area (BRCA) in the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank:
[DPLU, FEE X 2]

- 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 1.45 acres of Tier II habitat or higher Tier habitat located within a Biological Resource Conservation Area (BRCA) in the Multiple Species Conservation Program (MSCP). A Resource Management Plan (RMP) for the Diegan coastal sage scrub habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

- B. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.
- a. Prior to the approval of any plans, issuance of any permit, and approval of any final map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) and or the Director of Planning and Land Use that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans:
[DPLU, FEE]
1. "Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of coastal sage scrub habitat during the breeding season of migratory birds. This is defined as occurring between February 15th and August 31st. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no active nests are present in the vicinity of the brushing, clearing or grading."

III. CULTURAL RESOURCES

- A. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.
- a. Prior to the approval of any plans, issuance of any permit, and approval of any final map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) and or the Director of Planning and Land Use that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans: **[DPLU, FEE]**
1. "The County certified Project Archaeologist the Native American Monitor, and the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program." **[DPLU, FEE]**
 2. "The Project Archaeologist shall monitor all areas identified for development including off-site improvements."
 3. "During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist."
 4. "In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Project Archaeologist shall contact the

County staff designated by the Director of Planning and Land Use at the time of discovery. The Project Archaeologist, in consultation with the designated County staff, shall determine the significance of the discovered resources. The designated County staff must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the designated County staff, then carried out using professional archaeological methods.”

5. “The Project Archaeologist (and Native American monitor, if contracted) shall monitor all areas identified for development.”
6. “If any human bones are discovered, the Project Archaeologist shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains.”
7. “The Project Archaeologist shall submit monthly status reports to the Director of Planning and Land Use starting from the date of the notice to proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction. (Note: use this condition only if grading will take more than 1 month).” [DPLU, FEE]
8. “Prior to rough grading inspection sign-off for each phase, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the Director of Planning and Land Use. Evidence shall be in the form of a letter from the Project Archaeologist.” [DPLU, FEE]

9. "Prior to Final Grading Release for each phase or lot, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall include the following:" **[DPLU, FEE X2]**
 - (a) "Department of Parks and Recreation Primary and Archaeological Site forms."
 - (b) "Evidence that all cultural resources collected during the grading monitoring program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid."
 - (c) "In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the Project Archaeologist that the grading monitoring activities have been completed."
- b. Prior to approval of any grading or improvement plans, or issuance of any grading permits or construction permits, the applicant shall implement the following relating to the grading monitoring program, to mitigate potential impacts to undiscovered buried archaeological resources on the Project site. The following implementation shall be to the satisfaction of the Director of Planning and Land Use: **[DPLU, FEE X2]**
 1. Provide evidence that a County approved archaeologist ("Project Archaeologist") has been contracted to implement a grading monitoring and potential data recovery program which complies with the County of San Diego Guidelines for

Determining Significance and Report Format and Content Requirements, to the satisfaction of the Director of Planning and Land Use. Also, provide evidence that a Native American Monitor has been contracted to monitor grading, or evidence that no Native American Monitor was available, in which case the Project Archaeologist shall perform that function.

2. The Contract shall include a cost estimate of the required monitoring; this estimate shall be submitted to the Director of Public Works and included in the Bond Cost Estimate for the required Grading.
3. Critical Project Design Elements and Requirements That Must Become Conditions of Approval:

The following project design elements and requirements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
2. ACCESS [DPW]
 - a) The subdivider shall furnish to the County of San Diego, Department of Public Works, recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes. This easement shall be forty feet (40') wide as specified in Section 81.703(a)(2) and/or (b)(1), unless proof is furnished that a lesser width is applicable under Section 81.703(l)(1) of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map. This

requirement applies to off-site access to all proposed parcels.

3. PRIVATE ROAD EASEMENTS [DPW] [FIRE]

- a) The Parcel Map shall show an easement for the hammerhead turnaround located on Parcels 1 and 2, to the satisfaction of the Alpine Fire Protection District and the Director of Public Works. [FIRE]
- b) The Parcel Map shall show forty foot (40') wide private road easement along Boulder Pass Road, from the west project boundary to Parcel 2.
- c) Prior to recording the Parcel Map, a registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road, Boulder Pass Road, from Tavern Road to the west project boundary, has a minimum improved width of twenty four feet (24') asphalt concrete and meets the Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one (101) to seven hundred fifty (750) trips and is constructed within the easement for the benefit of the land division." The engineer shall further certify that: "The road meets all other Sections of the County Standards for Private Streets" and the satisfaction of the Alpine Fire Protection District.

NOTE: DPW has approved a modification request to a road standard and/ or project conditions for reduction of the horizontal radius requirement from one hundred feet to sixty feet for the offsite Boulder Pass Road as part of the TPM 20578.

- d) Prior to recording the Parcel Map, a registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road, Boulder Pass Road, from west project boundary to Parcel 2 and the hammerhead turnaround has a minimum improved width of twenty four feet (24') asphalt concrete and meets the Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips and is constructed within the easement for the benefit of the land division." The engineer shall further certify that: "The road

meets all other Sections of the County Standards for Private Streets" and the satisfaction of the Alpine Fire Protection District.

4. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/
DEVELOPMENT IMPACT FEES [DPW]

- a) The subdivider shall authorize special districts to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District to maintain existing street lights.
- b) Participate in the cost of a traffic signal installation at the intersection of Tavern Road and South Grade Road. The amount of the developer's portion of the entire cost of the signal shall be \$108.

The Director of Planning and Land Use hereby determines that:

- (1) The fee is to assist in financing the construction of a traffic signal to mitigate the impact of this project on traffic safety;
 - (2) The fee will be used to contribute toward the installation of a traffic signal at the intersection of Tavern Road and South Grade Road.
 - (3) The traffic signal will help mitigate the additional traffic impact on this these intersection caused by the residential subdivision;
 - (4) This residential subdivision will contribute additional traffic to the intersection of Tavern Road and South Grade Road.
- c) Participate in the cost of a traffic signal installation at the intersection of Tavern Road and Arnold Way. The amount of the developer's portion of the entire cost of the signal shall be \$252.

The Director of Planning and Land Use hereby determines that:

- (1) The fee is to assist in financing the construction of a traffic signal to mitigate the impact of this project on traffic safety;
 - (2) The fee will be used to contribute toward the installation of a traffic signal at the intersection of Tavern Road and Arnold Way.
 - (3) The traffic signal will help mitigate the additional traffic impact on this these intersection caused by the residential subdivision;
 - (4) This residential subdivision will contribute additional traffic to the intersection of Tavern Road and Arnold Way.
- d) The subdivider shall provide for maintenance of the on-site and off-site private street that serves the project through private road maintenance agreements.

5. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]

- a) Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from the following: Pacific Bell, Olivenhain Municipal Water District, Yucca Mutual Water Company, and Rainbow Municipal Water District. [DPW]
- b) The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature. [DPW]

- c) Prior to recordation of the Parcel Map, approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- d) Certification by the Department of Environmental Health with respect to sewage disposal shall be shown on the Parcel Map. [DPLU]
- e) Prior to recordation of the Parcel Map, the subdivider shall obtain a commitment to provide water service for each parcel from the Padre Dam Municipal Water District.
- f) If the Parcel Map records after May 20, 2009, a new certification for water service must be obtained from the Padre Municipal Water District.
- g) If the Parcel Map records after May 20, 2009, a new certification for fire service must be obtained from the Alpine Fire Protection District.

6. STEEP SLOPE REQUIREMENTS [DPLU]

- a) Prior to approval of any plan or issuance of grading or construction permits or on the Parcel Map, whichever comes first, the applicant shall:

Grant to the County of San Diego an open space easement over the eastern portion of Parcel 3 as shown on the Open Space Easement Map dated June 2, 2008. This easement is for the protection of steep slope lands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. [DPLU,FEE]

The sole exceptions to this prohibition are as follows:

- (1) Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
- (2) Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.

B. OTHER REQUIREMENTS [DPW] [DPLU]

1. The following note shall appear on the Parcel Map:

"All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision as required by Section 81.401(m) of the Subdivision Ordinance."
2. At the time of recordation of the Parcel Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.

3. Prior to the approval of the Parcel Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Parcel Map report from a qualified title insurance company.
4. Zoning regulations require that each parcel shall contain a minimum net area of 1.0 acre. If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the zoning minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall comply with the zoning area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
5. The subject property is in the Residential (1) Designation of the General Plan and each parcel shall contain a minimum gross area of 1, 2, and 4 acre(s). Parcels 3 and 4 meet the minimum 2-acre parcel size with an average slope of approximately 23 and 22 percent, respectively. If, as a result of survey calculations or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the required minimum, it becomes the responsibility of the subdivider to meet area requirements by lot redesign. The subdivider shall comply with the area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
6. Prior to approval of the Parcel Map, projects proposing to import municipal water to the site must provide evidence to satisfaction of the Director of Planning and Land Use that public water is available to the site.
7. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. **To be in compliance with the Public Resources Code, all Parcel Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.**

8. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the final map.

9. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

C. WAIVER AND EXCEPTIONS [DPW] [DPLU]

1. This subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the County Subdivision Ordinance requirements to permit:

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Richard Grunow, Planning Manager
Regulatory Planning Division

RG:ES